

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of April 4, 2006 (hereinafter Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

In the Office Action, Claims 1, 2, 5-12, and 15-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,263,064 to O'Neil, *et al.* (hereinafter O'Neil). Claims 3, 4, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of U.S. Patent No. 6,631,186 to Adams, *et al.* (hereinafter Adams).

Applicants have amended independent Claims 1 and 11 to emphasize certain aspects of the invention. The amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced through the amendments.

Applicants' Invention

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. One embodiment of the invention, typified by independent Claim 1, as amended, is a method of message delivery. The method can include registering a plurality of reception states that have been established by a receiving party. (See, e.g., Specification, p. 3, lines 3-8, and p. 6, lines 3-5; see also p. 7, line 8 – p. 8, line 4.) Each reception state can specify or define conditions for establishing communications links with receiving party addresses via at least one alternate communication channel different from a communication channel associated with a first initiated communications link between a sending party and the receiving party. Moreover, the specified conditions can be used to inform the sending party of a

time at which the receiving party prefers to receive delivery of a message and a communication channel through which the receiving party prefers to receive delivery of a message depending on at least one of the nature of the message and the identity of the sending party. (See, e.g., Specification, p. 7, lines 4-21; p. 8, line 22 – p. 9, line 2; see also p. 9, lines 21-28, and p. 11, lines 11-18.)

The method can further include identifying a receiving party address from the first initiated communications link, and based upon the identification, determining reception state data specified by the plurality of reception states according to the receiving party address. So determined, the reception state data can then be presented to the sending party.

The Claims Define Over The Prior Art

Independent Claims 1 and 11, as noted above, were each rejected as being anticipated by O'Neil. O'Neil is directed to a "computer-implemented control center" that enables the subscriber to a plurality of communication services to "customize" communication options within a unified messaging system. (See, e.g., Col. 4, lines 8-12; see also Abstract.) These options include a call forwarding service, a "follow me" service, a paging service, and a "message alert" service, as noted at pages 2-3 of the Office Action.

O'Neil's message alert service, more particularly, informs a service subscriber that an incoming message has been received. As explicitly described in O'Neil,

"the alerting itself may be accomplished using any of the communication devices controlled by the unified messaging system (e.g., pager, telephone at a designated number, voice mail in a designated voice mail box, facsimile at a designated facsimile number, e-mail at a designated e-mail address, and the like). In accordance with one particularly advantageous

embodiment, the message alert is sent to a pager via outgoing pager sub-server 206 since it is the device most likely to be near the subscriber. In one embodiment, the server that sends the alert (e.g., the web server if the incoming message is an e-mail, the telephony server if the incoming message is a facsimile or telephone call) may send out a predefined alphanumeric code that identifies the type of incoming message. The alphanumeric code itself may be predefined either by the unified messaging system or by the subscriber if customization is desired. Preferably, the alert is sent to the subscriber's own number to alert the subscriber that an incoming message fitting the filtering criteria has been received at the unified messaging system." (Col. 13, lines 18-39.)

The filtering criteria of O'Neil can be used to mark an incoming message as "urgent." (Col. 13, lines 10-15.) The alert message itself can identify the message sender based on the sender's "email address or phone number (e.g., caller ID)." (Col. 13, lines 16-17.)

The paging service in O'Neil provides an alternate communication channel for reaching a service subscriber. As explicitly described in O'Neil,

"[the] paging service 321 allows a message sent to the subscriber to be rerouted to a pager designated by the subscriber. Paging service 321 is preferably an on-demand service and allows the caller, if desired, to send a short message to a pager designated by the subscriber. The pager number designated by the subscriber may be designated at location 404a (the paging service number) and, if required, using location 404b (the PIN number for the pager). If the paging service is enabled, a caller to the subscriber's telephone number will be given an option to send a short message to the pager subscriber pager (for example, by pressing a

predefined key to send the short message). As noted before, the caller may also choose any of the other services follow me service 308 and/or alternate number 312 if enabled. In this manner, a single telephone number may serve as the access point to receive a page, a voice message, a facsimile, etc." (Col. 13, line 61 – Col. 14, line 17.)

As these and the other portions of O'Neil reveal, the options in O'Neil are focused on facilitating "control of routings" between a calling party and the service subscriber. (See Col. 6, lines 24-34.) Even if O'Neil's options are equated with reception states for a receiving party, however, the reception states provided by O'Neil are not comparable to those of Applicants' invention. In particular, O'Neil's options do not enable a receiving party to specify conditions for establishing communications links, the conditions specifying both a particular time at which and a particular channel through which a receiving party prefers to receive delivery of a message depending on the nature of the message and/or the identity of the sending party, as recited in amended Claims 1 and 11.

Accordingly, O'Neil further fails to provide a mechanism wherein by one of a plurality of reception states is first determined based on the sending party's identity and/or nature of the message so as to determine a preferred time and communication channel as specified by a receiving party. Moreover, O'Neil does not present to the sending party the time at which, or the communication channel through which, the receiving party prefers to receive delivery of a message depending on the nature of the message and/or the identity of the sending party, as further recited in amended Claims 1 and 11.

With respect to call forwarding, O'Neil merely provides that "[i]f the call forwarding option is enabled, [a received] call is then forwarded to the forwarding number specified" by a subscriber. (Col. 11, lines 62-65.) No preferred time or communication channel based on identity of the call or nature of the call is specified by

the receiving party, however, with O'Neil. Nor is the sending party informed of the preferred time and communication channel by O'Neil.

With respect to O'Neil's "follow me" option, a subscriber can "designate a set of telephone numbers where [the subscriber] may likely be found" at a particular time. But O'Neil's follow me option in no manner indicates a preferred time or communication channel based on the identity of the call or the nature of the call, this preference being specified by the receiving party. Nor does O'Neil's follow me option provide any information that would inform a caller, or sending party, of the preferred time and communication channel so specified by the receiving party.

O'Neil's alert messaging service, as noted above, utilizes filtering criteria with which a caller can designate a message as urgent. The caller's own designation of a message, however, is entirely distinct from a receiving party's specifying a preferred time and communication channel depending on the identity of the caller and/or nature of the call. Moreover, no such information regarding a preferred time or communication channel is conveyed to a sending party with O'Neil's alert messaging service.

With O'Neil's paging option "a caller to the subscriber's telephone number will be given an option to send a short message to the pager subscriber pager." (Col. 14, lines 1-5.) But providing a caller with an option to send a short message provides nothing in the way of particularized information regarding message delivery, certainly not the information provided by Applicants' invention. Specifically, O'Neil's paging option does not give the receiving party a capability for specifying either a preferred time of receiving a message or a preferred channel of communication for receiving the message based upon the nature of the message and/or the identify of the sending party. Moreover, O'Neil's paging option does not provide any mechanism for informing the sending party of the preferred time or the preferred communication channel specified by the receiving party.

It follows that O'Neil does not, either expressly or inherently, teach every feature recited in independent Claims 1 and 11. Applicants, therefore, respectfully submit that both claims, as well as the remaining dependent claims, define over the prior art.

Adams, which is cited in the Office Action in reference to dependent Claims 3, 4, 13, and 14, fails to teach or suggest the features lacking in O'Neil. As observed at page 6 of the Office Action, Adams is directed to a system and method for implementing and accessing a call forwarding service. With Adams, a subscriber is able to set call forwarding in accordance with updated personal settings, such as a priority screen list. (See, e.g., Col. 6, line 49 – Col. 7, line 9.) The screening list in Adams specifies caller numbers that are not to be forwarded to a subscriber's registered forwarding telephone number. The utility such a feature provides is described at page 6 of the Office Action as allowing only certain "high priority" calls to reach a subscriber, so that certain callers such as telemarketers or nuisance callers can not "disturb" subscribers "through forwarding from their primary number."

Nowhere though does Adams suggest a mechanism for enabling a receiving party to specify conditions for establishing communications links wherein the conditions specify both a particular time at which, and a particular channel through which, a receiving party prefers to receive delivery of a message depending on the nature of the message and/or the identity of the sending party, as recited in amended Claims 1 and 11. More fundamentally, Adams does not suggest a mechanism by which one of a plurality of reception states can be determined based on the sending party's identity or nature of the message, and then presented to the sending party so that the sending party is thereby informed of the time at which, and the communication channel through which, the receiving party prefers to receive delivery of a message, as further recited in amended Claims 1 and 11.

Accordingly, neither O'Neil nor Adams, alone or in combination, teach or suggest every feature recited in amended independent Claims 1 and 11. Applicants thus

Appln. No. 10/082,774
Amendment dated July 5, 2006
Reply to Office Action of April 4, 2006
Docket No. BOC9-2001-0002 (238)

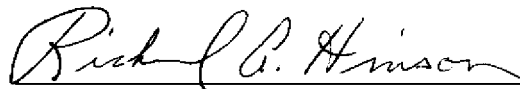
respectfully submit that each of Claims 1 and 11, as well as the claims depending thereon, define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: July 5, 2006



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